

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1472

By: Pruitt

AS INTRODUCED

An Act relating to the Oklahoma Open Records Act and crimes and punishments; amending 51 O.S. 2001, Section 24A.8, which relates to law enforcement records; requiring Department of Public Safety to keep certain security records confidential; removing gender references; making tampering with or disabling security or surveillance cameras for certain purposes unlawful; providing penalties; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 51 O.S. 2001, Section 24A.8, is amended to read as follows:

Section 24A.8 A. Law enforcement agencies shall make available for public inspection, if kept, the following records:

1. An arrestee description, including the name, date of birth, address, race, sex, physical description, and occupation of the arrestee;
2. Facts concerning the arrest, including the cause of arrest and the name of the arresting officer;
3. Conviction information, including the name of any person convicted of a criminal offense;
4. Disposition of all warrants, including orders signed by a judge of any court commanding a law enforcement officer to arrest a particular person;
5. A chronological list of incidents, including initial offense report information showing the offense, date, time, general location, officer and a brief summary of what occurred;

6. A crime summary, including a departmental summary of crimes reported and public calls for service by classification or nature and number;

7. Radio logs, including a chronological listing of the calls dispatched; and

8. Jail registers, including jail blotter data or jail booking information recorded on persons at the time of incarceration showing the name of each prisoner with the date and cause of ~~his~~ commitment, the authority committing the prisoner, whether committed for a criminal offense, a description of the prisoner, and the date or manner of ~~his~~ discharge or escape.

B. Except for the records listed in subsection A of this section and those made open by other state or local laws, law enforcement agencies may deny access to law enforcement records except where a court finds that the public interest or the interest of an individual outweighs the reason for denial.

C. Nothing contained in this section imposes any new recordkeeping requirements. Law enforcement records shall be kept for as long as is now or may hereafter be specified by law. Absent a legal requirement for the keeping of a law enforcement record for a specific time period, law enforcement agencies shall maintain their records for so long as needed for administrative purposes.

D. Registration files maintained by the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act shall be made available for public inspection in a manner to be determined by the Department.

E. The Council on Law Enforcement Education and Training (C.L.E.E.T.) shall keep confidential all records it maintains pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and deny release of records relating to any employed or certified full-time officer, reserve officer, retired officer or other person; teacher lesson plans, tests and other teaching materials; and

personal communications concerning individual students except under the following circumstances:

1. To verify the current certification status of any peace officer;
2. As may be required to perform the duties imposed by Section 3311 of Title 70 of the Oklahoma Statutes;
3. To provide to any peace officer copies of the records of that peace officer upon submitting a written request;
4. To provide final orders of administrative proceedings where an adverse action was taken against a peace officer; and
5. Pursuant to an order of the district court of the State of Oklahoma.

F. The Department of Public Safety shall keep confidential all records pertaining to security functions, including but not limited to surveillance tapes, security plans, and security surveys. Such records shall be privileged and not discoverable or subject to subpoena or order for production issued by any court.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1993 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any person to refocus, reposition, cover, manipulate, disconnect, or otherwise tamper with or disable a security or surveillance camera of any security company or law enforcement agency. Any person violating the provisions of this subsection shall be guilty, upon conviction, of a misdemeanor punishable by a fine of not more than Five Thousand Dollars (\$5,000.00).

B. It shall be unlawful for any person to refocus, reposition, cover, manipulate, disconnect, or otherwise tamper with or disable a security or surveillance camera of any security company or law enforcement agency for the purpose of avoiding detection when committing, attempting to commit, or aiding another person to commit

or attempt to commit any misdemeanor. Any person violating the provisions of this section shall be guilty, upon conviction, of a misdemeanor punishable by imprisonment for not more than one year in the county jail, or a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

C. It shall be unlawful for any person to refocus, reposition, cover, manipulate, disconnect, or otherwise tamper with or disable a security or surveillance camera of any security company or law enforcement agency for the purpose of avoiding detection when committing, attempting to commit, or aiding another person to commit or attempt to commit any felony. Any person violating the provisions of this section shall be guilty, upon conviction, of a felony, punishable by imprisonment for not more than five (5) years, or a fine of not more than Ten Thousand Dollars (\$10,000.00), or by both such imprisonment and fine.

SECTION 3. This act shall become effective July 1, 2002.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.